

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DISPLAY CONTROLLERS
WITH UPSCALING FUNCTIONALITY
AND PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-481

In the Matter of

**CERTAIN DISPLAY CONTROLLERS
AND PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-491

LIMITED EXCLUSION ORDER

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale by Respondents Media Reality Technologies, Inc. of Sunnyvale, CA ("MRT"), Trumpion Microelectronics, Inc. of Taiwan ("Trumpion"), and MStar Semiconductor, Inc. of Taiwan ("MStar") (collectively, "Respondents") of display controllers and products containing same by reason of infringement by MRT of claims 2, 3, 5, 6, 12, 13, 16, 17, 33-36, 38, and 39 of U.S. Patent No. 5,739,867 ("the '867 patent"), and infringement by Trumpion and MStar of claims 2, 33-35, and 36 of the '867

patent.

Having reviewed the record in this consolidated investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of infringing display controllers that are manufactured by or on behalf of Respondents and circuit boards and LCD monitors that contain such infringing display controllers.

The Commission has determined that the public interest factors enumerated in 19 U.S.C. § 1337 (d) do not preclude issuance of the limited exclusion order and that the bond during the Presidential review period shall be in the amount of \$1.00 per display controller or product containing same.

Accordingly, the Commission hereby **ORDERS** that:

1. Display controllers that are covered by one or more of claims 2, 3, 5, 6, 12, 13, 16, 17, 33-36, 38, or 39 of U.S. Patent No. 5,739,867 and are manufactured abroad or imported by or on behalf of Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, and circuit boards and LCD monitors (exclusive of television monitors) containing same, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, and

withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. Products that are excluded by paragraph 1 of this Order are entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption, under bond in the amount of \$1.00 per covered product pursuant to subsection (j) of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), from the day after this Order is received by the President until such time as the President notifies the Commission that he approves or disapproves this action but, in any event, not longer than sixty (60) days after the date of receipt of this action.

3. Pursuant to procedures to be specified by the Bureau of Customs and Border Protection ("Customs"), as Customs deems necessary, persons seeking to import display controllers or circuit boards or LCD monitors containing same that are potentially subject to this Order shall certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, Customs may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

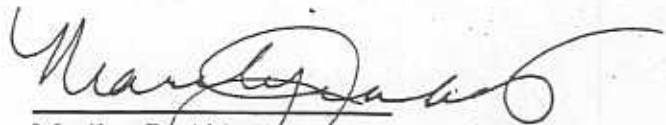
4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to display controllers and circuit boards and LCD monitors containing same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the Bureau of Customs and Border Protection.

7. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.


Marilyn R. Abbott
Secretary

Issued: August 20, 2004